

105TH CONGRESS
2D SESSION

H. R. 3164

To describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1998

Mr. SAXTON (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

A BILL

To describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hydrographic Services
5 Improvement Act of 1998”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the National
10 Oceanic and Atmospheric Administration.

1 (2) ADMINISTRATION.—The term “Administra-
2 tion” means the National Oceanic and Atmospheric
3 Administration.

4 (3) HYDROGRAPHIC SERVICES.—The term “hy-
5 drographic services” means all of the nautical map-
6 ping and charting, hydrographic, geodetic, and tide
7 and current measurement functions, products, and
8 services of the Administration, including surveys,
9 measurements, observations, and predictions, and
10 the acquisition, management, maintenance, certifi-
11 cation, and dissemination of hydrographic, geodetic,
12 and tide and current data and products.

13 (4) ACT OF 1947.—The term “Act of 1947”
14 means the Act entitled “An Act to define the func-
15 tions and duties of the Coast and Geodetic Survey,
16 and for other purposes”, approved August 6, 1947
17 (33 U.S.C. 883a et seq.).

18 **SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.**

19 (a) RESPONSIBILITIES.—As part of fulfilling the ma-
20 rine resources management and data gathering and dis-
21 semination duties of the Administration, including duties
22 under the Act of 1947, the Coastal Zone Management Act
23 of 1972 (16 U.S.C. 1451 et seq.), the National Marine
24 Sanctuaries Act (16 U.S.C. 1431 et seq.), and the Magnu-

1 son-Stevens Fishery Conservation and Management Act
2 (16 U.S.C. 1801 et seq.), the Administrator shall—

3 (1) acquire hydrographic, geodetic, and tide and
4 current measurement data;

5 (2) promulgate standards for data and prod-
6 ucts, and the collection of data and development of
7 products, used by the Administration in hydro-
8 graphic services;

9 (3) ensure comprehensive nationwide coverage
10 of hydrographic services;

11 (4) maintain a national database of hydro-
12 graphic data, and provide hydrographic products in
13 uniform, easily accessible formats;

14 (5) participate in the development of, and im-
15 plement for the United States, international stand-
16 ards for hydrographic data, products, and informa-
17 tion systems; and

18 (6) to the greatest extent practicable, fulfill the
19 requirements of this subsection through contracts or
20 other agreements with private sector entities.

21 (b) AUTHORITIES.—In order to fulfill the marine re-
22 source management and data gathering and dissemination
23 duties of the Administration, including duties under the
24 Act of 1947, the Coastal Zone Management Act of 1972
25 (16 U.S.C. 1451 et seq.), the National Marine Sanctuaries

1 Act (16 U.S.C. 1431 et seq.), and the Magnuson-Stevens
2 Fishery Conservation and Management Act (16 U.S.C.
3 1801 et seq.), and subject to the availability of appropria-
4 tions, the Administrator may—

5 (1) procure, lease, evaluate, test, develop, and
6 operate vessels, equipment, and technologies nec-
7 essary to ensure safe navigation and maintain oper-
8 ational expertise in hydrographic services;

9 (2) enter into contracts and other agreements
10 with qualified public or private entities for the collec-
11 tion of hydrographic data and the development,
12 preparation, or distribution of hydrographic services;

13 (3) award contracts for hydrographic, geodetic,
14 and photogrammetric surveying and mapping serv-
15 ices, in accordance with title IX of the Federal Prop-
16 erty and Administrative Services Act of 1949 (40
17 U.S.C. 541 et seq.); and

18 (4) subject to section 5, design and install
19 where appropriate Physical Oceanographic Real-
20 Time Systems to enhance navigation safety and effi-
21 ciency.

22 **SEC. 4. QUALITY ASSURANCE PROGRAM.**

23 (a) IN GENERAL.—The Administrator may—

24 (1) develop and implement a quality assurance
25 program, under which the Administrator may certify

1 hydrographic data and products produced by a private sector entity that satisfy the standards promulgated by the Administrator under section 3(a)(2);

2 (2) authorize the use of the emblem or any trademark of the Administration on data or a product certified under paragraph (1); and

3 (3) charge a fee for such certification and use.

4 Any such fee shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the data or product satisfies the standards adopted under section 3(a)(2), including the cost of administering such a program.

5 (b) LIMITATION ON LIABILITY.—The Government of the United States shall not be liable for any negligence by a person that produces data or any products certified under this section, based solely on certification of such data or product under subsection (a).

6 (c) HYDROGRAPHIC SERVICES ACCOUNTS.—

7 (1) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the Hydrographic Services Account.

8 (2) CONTENT.—The account shall consist of—

9 (A) amounts received by the United States as fees charged under subsection (a)(3); and

1 (B) such other amounts as may be pro-
2 vided by law.

3 (3) USE.—Amounts in the account shall be
4 available to the Administrator for hydrographic serv-
5 ices.

6 **SEC. 5. OPERATION AND MAINTENANCE OF PHYSICAL**
7 **OCEANOGRAPHIC REAL-TIME SYSTEMS.**

8 (a) NEW SYSTEMS.—After the date of enactment of
9 this Act, the Administrator may not design or install any
10 Physical Oceanographic Real-Time System unless the local
11 sponsor of the system has agreed to assume the cost of
12 operating and maintaining the system within 90 days after
13 the date of installation of the system.

14 (b) EXISTING SYSTEMS.—After October 1, 1999, the
15 Administration shall cease to operate any Physical Ocean-
16 ographic Real-Time Systems unless the local sponsor has
17 agreed to assume the cost of operating and maintaining
18 the system by January 1, 1999.

19 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to the Admin-
21 istrator the following:

22 (1) To carry out nautical mapping and charting
23 functions under sections 3 and 4, except for the ac-
24 quisition of hydrographic data, \$33,000,000 for fis-

1 cal year 1999, and \$36,000,000 for each of fiscal
2 years 2000, 2001, 2002, and 2003.

3 (2) To acquire hydrographic data under section
4 3(a)(1), including leasing of ships, \$33,500,000 for
5 fiscal year 1999, and \$36,000,000 for each of fiscal
6 years 2000, 2001, 2002, and 2003. Of these
7 amounts, no more than \$16,000,000 is authorized
8 for any one fiscal year to operate hydrographic sur-
9vey vessels owned by the Administration.

10 (3) To carry out geodetic functions under sec-
11 tions 3 and 4, \$20,000,000 for fiscal year 1999, and
12 \$22,000,000 for each of fiscal years 2000, 2001,
13 2002, and 2003.

14 (4) To carry out tide and current measurement
15 functions under sections 3 and 4, \$13,500,000 for
16 fiscal year 1999, and \$15,000,000 for each of fiscal
17 years 2000, 2001, 2002, and 2003.

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